

**Remarks**

Claims 1-46 are now pending in this application. Claims 1-46 are rejected. Claims 1, 3-4, 6-7, 17-21, 23-26, 29-31, 38-43 and 45-46 have been amended. No new matter has been added.

The provisional rejection of Claims 1-46 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-30 in copending U.S. Patent Application No. 09/574,564 is respectfully traversed. Claims 1-30 of the copending U.S. Patent Application have not issued in a U.S. Patent. For at least the reasons given above, Applicants respectfully request that the provisional double patenting rejections of Claims 1-46 be withdrawn.

The rejection of Claims 1-46 under 35 U.S.C. § 103(a) as being unpatentable over Uehara et al. ("Enterprise Model-based Software Architecture with Server Component Integration," 1998, pp. 356-363) is respectfully traversed.

Uehara et al. describe information systems that support business activities (page 356, column 1). Such a system typically fulfills requirements of business processes and rules which are separated from implementation logic for easier system building and maintenance (page 356, column 2). In the system, an "Abstract task-object" class is introduced to represent an activity to implement business processes (page 357, column 2 – page 358, column 1). Time schedule is also modeled as a means to implement business processes, under Abstract task-object (page 358, column 1). Each time line of a task schedule may be associated with documents or materials that are input (referred materials) and/or output (created materials) of that task (page 358, column 1). The system provides services such as notifying a user that a task is ready to start after an input for the task has been created, which is called "concurrent engineering service" as it shortens a lead time for the task (page 361, column 1).

Claim 1 recites a method for system design and control of a plant using a web-based system including a server and at least one device connected to the server via a network, the method comprising the steps of "receiving application data from a user via the device; integrating the received data into a database; utilizing the integrated data to monitor plant activities; collecting monitored plant activity data; and

displaying the collected data through a web interface to a person, wherein said displaying the collected data includes providing notices when at least one of a failure of an equipment used within the plant and a maintenance of the equipment is identified.”

Uehara et al. does not describe or suggest a method for system design and control of a plant as recited in Claim 1. Specifically, Uehara et al. does not describe or suggest displaying the collected data through a web interface to a person, where displaying the collected data includes providing notices when at least one of a failure of an equipment used within the plant and a maintenance of the equipment is identified. Rather, Uehara et al. describe fulfilling business processes and rules which are separated from implementation logic for easier system building and maintenance, representing an activity to implement business processes, and notifying a user that a task is ready to start after an input for the task has been created. Accordingly, Uehara et al. does not describe or suggest providing notices when at least one of a failure of an equipment and a maintenance of the equipment is identified. For the reasons set forth above, Claim 1 is submitted to be patentable over Uehara et al.

Claims 2-24 depend, directly or indirectly, from independent Claim 1. When the recitations of Claims 2-24 are considered in combination with the recitations of Claim 1, Applicants submit that dependent Claims 2-24 likewise are patentable over Uehara et al.

Claim 25 recites a system for design and control of a plant, the system comprising “a device; and a server connected to said device and configured to receive plant application information data from a user via said device, utilize the application information data to monitor plant activities, and display information obtained from monitoring the plant activities through a web interface to a person, wherein to display information obtained from monitoring the plant activities said server configured to provide notices when at least one of a failure of an equipment used within the plant and a maintenance of the equipment is identified.”

Uehara et al. does not describe or suggest a system for design and control of a plant as recited in Claim 25. Specifically, Uehara et al. does not describe or suggest a server configured to display information obtained from monitoring the plant activities

through a web interface to a person, where to display information obtained from monitoring the plant activities the server is configured to provide notices when at least one of a failure of an equipment used within the plant and a maintenance of the equipment is identified. Rather, Uehara et al. describe fulfilling business processes and rules which are separated from implementation logic for easier system building and maintenance, representing an activity to implement business processes, and notifying a user that a task is ready to start after an input for the task has been created. Accordingly, Uehara et al. does not describe or suggest a server configured to provide notices when at least one of a failure of an equipment and a maintenance of the equipment is identified. For the reasons set forth above, Claim 25 is submitted to be patentable over Uehara et al.

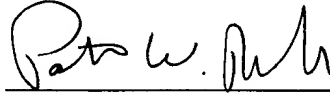
Claims 26-46 depend, directly or indirectly, from independent Claim 25. When the recitations of Claims 26-46 are considered in combination with the recitations of Claim 25, Applicants submit that dependent Claims 26-46 likewise are patentable over Uehara et al.

For at least the reasons set forth above, Applicants respectfully request that the Section 103 rejection of Claims 1-46 be withdrawn.

In addition to the arguments set forth above, Applicants respectfully submit that the Section 103 rejection of Claims 1-46 is not a proper rejection. As is well established, the mere assertion that it would have been obvious to one of ordinary skill in the art to have modified Uehara et al. to obtain the claimed recitations of the present invention does not support a prima facie obvious rejection. Rather, each allegation of what would have been an obvious matter of design choice must always be supported by citation to some reference work recognized as standard in the pertinent art and the Applicants given the opportunity to challenge the correctness of the assertion or the notoriety or repute of the cited reference. Applicants have not been provided with the citation to any reference supporting the combination made in the rejection. The rejection, therefore, fails to provide the Applicants with a fair opportunity to respond to the rejection, and fails to provide the Applicants with the opportunity to challenge the correctness of the rejection. Of course, such combinations are impermissible, and for this reason alone, Applicants request that the Section 103 rejection of Claim 1-46 be withdrawn.

In view of the foregoing amendment and remarks, all the claims now active in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Patrick W. Rasche", written over a horizontal line.

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